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**TO:** Suhani Group Art Unit 2643  
USPTO

**FAX:** (703) 872-9306

**FROM:** James E. Harris  
Registration No. 40,013

**Date:** September 21, 2004

**Re:** Attorney Do. No. 1420-2 – Response to Notice of Abandonment

Number of pages (including this one): 8

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**REMARKS:**

In re application of: David William House	Confirmation No. 1290
Serial No. 09/478,136	Examiner: Suhani Ni
Filed: January 5, 2000	Group Art Unit: 2643
For: COCHLEAR IMPLANTS WITH A STIMULUS IN THE HUMAN ULTRASONIC RANGE AND METHOD FOR STIMULATING A COCHLEA	

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PATENT APPLICATION  
Attorney's Do. No. 1420-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of: David William House

SEP 21 2004

Serial No.	09/478,136	Examiner:	Suhan Ni
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Confirm. No. 1290

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

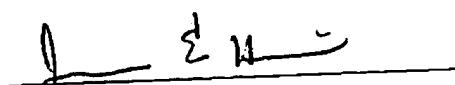
Enclosed for filing in the above-referenced application are the following:

- Request to Withdraw the Holding of Abandonment
- Exhibits A, B, and C (Copies)
- Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & MCCOLLOM, P.C.

  
James E. Harris  
Reg. No. 40,013

MARGER JOHNSON & MCCOLLOM, P.C.  
1030 SW Morrison Street  
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503-222-3613

I hereby certify that this correspondence  
is being transmitted to the U.S. Patent and  
Trademark Office via facsimile number  
1-703-872-9306, on September 21, 2004.

Signature  
  
Lauren Ballard-Gemmell

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SEP 21 2004

PATENT APPLICATION  
Attorney's Do. No. 1420-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of: David William House

Serial No. 09/478,136 Group No. 2643

Filed: January 5, 2000 Examiner: Suhan Ni

Title: COCHLEAR IMPLANTS WITH STIMULUS IN THE HUMAN  
ULTRASONIC RANGE AND METHOD FOR STIMULATING A  
COCHLEA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT**

Applicant received a Notice of Abandonment dated September 7, 2004, reciting a failure to file a timely reply to the Office letter of November 4, 2003, for the referenced application. Applicant contends the Notice of Abandonment was issued in error, and provides the following exhibits in support of the assertion the Applicant's filed reply was misplaced while under the control of the U.S. Patent and Trademark Office.

The U.S.P.T.O. generated Auto-Reply (Exhibit A), confirmation of facsimile receipt for a two page transmission from the Applicant as Fax Sender on November 21, 2003.

Applicant's facsimile report (Exhibit B), showing the transmission of two pages to the U.S.P.T.O. central telephone number and date of November 21, 2003.

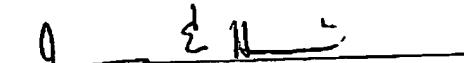
Applicant's Response to Restriction Requirement (Exhibit C, pages 1 and 2), as filed, with a signed certificate of facsimile dated November 21, 2003.

In view of the Exhibits presented, the Applicant respectfully requests the holding of abandonment be withdrawn, and the November 21, 2003, Restriction Requirement be entered, therefore, allowing the application to proceed with examination.

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

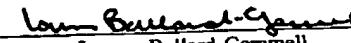
Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
James E. Harris  
Reg. No. 40,013

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Date: September 21, 2004

  
Lauren Ballard-Gemmell

11/21/2003 4:44 PM PAGE 1/001 Fax Server

USPTO  
Auto-reply fax to 5032744622 COMPANY:

EXHIBIT A

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 5032744622

Fax Information  
Date Received:  
Total Pages:11/21/2003 4:42:29 PM [Eastern Standard Time]  
2 (including cover page)

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Received  
Cover  
Page  
=====>

11/21/03 14:40 FAX 5032744622	MARGER JOHNSON McCOLLOM	001
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1000 SW MORRISON STREET PORTLAND, OREGON 97205 USA (503) 222-3813 FAX: (503) 274-4023 <a href="http://www.mjnlaw.com">http://www.mjnlaw.com</a>		
<b>TO:</b>	Suhan NJ Group Art Unit 2643	
<b>FAX:</b>	(703) 872-9306	
<b>FROM:</b>	James E. Hants Registration No. 40,013	
<b>Date:</b>	November 21, 2003	
<b>Re:</b>	Attorney Do. No. 1420-2 Response to Restriction Requirement	
Number of pages (including this one): 2		
In case of error in transmission, call: (503) 222-3613		
<b>REMARKS:</b>		
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EXHIBIT A

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EXHIBIT B

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	2021
CONNECTION TEL	pp17038729306ppp1420
SUBADDRESS	
CONNECTION ID	
ST. TIME	11/21 14:40
USAGE T	00'49
PGS. SENT	2
RESULT	OK

EXHIBIT B

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EXHIBIT C  
PAGE 1**MARGER JOHNSON & McCOLLOM**  
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EXHIBIT C  
PAGE 1

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